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REMARKS

The above-identified application has been carefully reconsidered in view of the Office Action mailed September 8, 2004. Early and favorable reconsideration and allowance of the application as now presented are respectfully requested.

Responsive to paragraph 1 and 2 of the Office Action, a Terminal Disclaimer whereby any patent granted from the present application will expire concurrently with U.S. Patent No. 6,656,455 is presented herewith. It is respectfully submitted that the double patenting rejection comprising paragraphs 1 and 2 of the Office Action is overcome by the filing of the Terminal Disclaimer.

Paragraphs 3 and 4 of the Office Action do not require a response.

Paragraph 5 of the Office Action is respectfully traversed. It is respectfully submitted that the application does not name joint inventors.

Paragraph 6 of the Office Action is objected to. Referring to line 7 of paragraph 6 (line 2 of page 5 of the Office Action), the blank between the word "section" and the phrase "of 35 U.S.C. § 102" should have been completed by the insertion therein of an appropriate reference to the section of 35 U.S.C. § 102 that the Examiner is referring to. Because the blank in line 7 of paragraph 6 was not filled in, it is impossible for applicant to properly consider and respond to the Examiner's rejection.


Paragraph 6 of the Office Action (as understood) and paragraph 7 of the Office Action are respectfully traversed. As is clearly stated in the application papers that were originally filed in the present application, application serial number 10/191,708, now U.S. Patent No. 6,656,455 is the parent of the present application. Having reference to 35 U.S.C. § 120, a parent application, and any patent issuing therefrom, cannot be cited against a subsequent application which names the same inventor and which is commonly owned.

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Withdrawal of the rejection under 35 U.S.C. § 103, favorable action and allowance of the application as now presented are therefore respectfully requested.

Respectfully submitted,

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